

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-8 are pending in this case. Claims 1, 3, and 8 are amended by the present amendment. As amended Claims 1, 3, and 8 are supported by the original claims, no new matter is added.

In the outstanding Official Action, the specification is objected to; and Claims 1, 2, 4, 5, 7, and 8 are rejected under 35 U.S.C. §103(a) as unpatentable over Toda et al. (U.S. Patent No. 4,534,624, hereinafter “Toda”) in view of Miki (U.S. Patent No. 7,236,316). However, Claims 3 and 6 were indicated as including allowable subject matter.

Applicant gratefully acknowledges the indication that Claims 3 and 6 include patentable subject matter.

With regard to the objection to the specification, the abstract is amended herewith to comply with U.S. practice. Accordingly, the objection to the specification is believed to be overcome.

With regard to the rejection of Claims 1, 2, 4, 5, 7, and 8 as unpatentable over Toda in view of Miki, that rejection is respectfully traversed.

The present application has an effective filing date of March 22, 2004, the filing date of the PCT application from which the present application claims priority under 35 U.S.C. §371. As the effective filing date of the present application, March 22, 2004, is before the filing date of Miki, November 30, 2005, it is respectfully noted that Miki does not qualify as prior art against the present application under 35 U.S.C. §102. Accordingly, application of Miki in this obviousness rejection is improper.

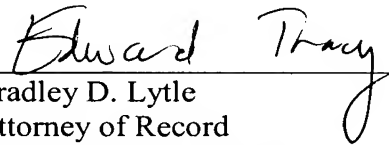
As the only rejection of record rely on Miki, it is respectfully submitted this rejection is traversed as Miki may not be applied as a basis for supporting a *prima facie* case of obviousness.

Since Applicant has not amended the claims in response to any rejection on the merits, a further rejection of these claims based on newly cited art in the next communication **cannot properly be considered a Final Office Action.**

Accordingly, the outstanding rejection is traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

Edward W. Tracy, Jr.
Registration No. 47,998